IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.546 OF 1995

Maharashtra State Road Transport Corporation — Appellant

vs.

Ramchandra Raghu Karale & anr. — Respondent

Mr. C.M.Lokesh i/by. Mr.G.S.Hegde for the appellant.

CORAM : ANOOP V. MOHTA,J.

DATED : 24th August, 2007

ORAL JUDGMENT:

The appellant herein has challenged the impugned judgement and order dated 15.11.1994 passed by the Motor Accidents Claims Tribunal, Satara on the ground that for un-known reason the original owner of the vehicle as well as Insurance Company were not made parties. Such petition/application ought to have been dismissed on the sole ground.

2. Heard the learned counsel for the appellant.

3. Prima-facie there is some substance in the submission as raised. However, considering the fact that the incident was of 27.8.1990 and the impugned judgement and order is dated 15.11.1994. Now at this

stage of final hearing, after about 13 years of the proceeding, I am not inclined to remand the matter on this ground itself. So far as the grant of compensation there is a finding given by the Tribunal considering the permanent disability to the lower limb caused because of accident and, therefore, compensation on account of loss of future income to the extent of Rs.30,000/- though on higher side, but still that itself is no reason to interfere with the finding given by the Tribunal, specially in the facts and circumstances of the case when the Tribunal, after considering the material available on record, as awarded lumpsum compensation apart from the expenses for treatment and for pains and suffering and inconvenience. The compensation therefore as awarded against the original opponent with 12% interest on the amount of Rs.44,500/-, therefore, cannot be said to be perverse. The compensation as awarded is fair and reasonable.

4. Resultantly, the appeal is dismissed. No costs.

[ANOOP V. MOHTA,J.]